

No. _____

TO THE COURT OF CRIMINAL APPEALS

OF THE STATE OF TEXAS

FILED
 COURT OF CRIMINAL APPEALS
 9/10/2020
 DEANA WILLIAMSON, CLERK

ROY OLIVER
 Appellant

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V.

THE STATE OF TEXAS,
 Appellee

MOTION FOR EXTENSION OF TIME
 TO FILE APPELLANT'S PETITION FOR DISCRETIONARY
REVIEW

COMES NOW, ROY OLIVER, Appellant, by and through his attorney, ROBERT K. GILL, and files this his Motion for Extension of Time to File Appellant's Petition for Discretionary Review in the above-styled cause requesting an additional thirty (30) days; and in support of his Motion would show this Honorable Court as follows:

I.

Appellant was charged with the offense of murder in cause number F17-18595-V. His case was assigned to the 292nd Judicial District Court of Dallas County, Texas. Appellant was convicted in this case on August 29, 2018. The jury assessed Appellant's punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for fifteen years. A fine of \$10,000 was also assessed.

Appellant's conviction was affirmed by the Fifth Court of Appeals in cause number 05-18-001057-CR, styled Roy Oliver, Appellant v. The State of Texas, Appellee, on August 10,

2020. Appellant wishes to file a petition for discretionary review.

II.

Pursuant to Rule 68.2 of the Texas Rules of Appellate Procedure Appellant's petition for discretionary review is due to be filed in this Honorable Court by Thursday, September 10, 2020.

Counsel is asking for a thirty (30) day extension in this case because counsel has a federal expert witness report due to be completed a week before the date Appellant's petition for discretionary review is due and because counsel's law office is seriously short-staffed due to COVID-19. Counsel has not previously sought an extension in this matter.

Undersigned counsel has also been attempting to effectively run a law practice while dealing with "social distancing" and "stay at home" orders issued in our local jurisdictions. Counsel has found it a challenge to perform routine law office functions while dealing with staff shortages and the need to devote more time to expedite local jail cases.

Because of this expert witness report and other court business, counsel for Appellant has not been able to devote full time to Appellant's petition for discretionary review in the above-styled and numbered cause. Most of counsel's practice is in Tarrant County, Texas. There are 20 criminal courts in Tarrant County, and they set cases throughout the week for docket call. On average counsel answers dockets five days out of each week, a process normally requires attending court for up to half a day to accomplish the requirements of the court. Due to the COVID-19 issue these court appearances have required more out of court work. Counsel has also been forced to devote more of his own time to the day to day functions of running a law office due to staff shortages.


Although undersigned counsel has been working diligently to prepare these various matters, trying to file them all in this challenging period is an impossible task.

IV.

Because of above-noted appellate obligations and the challenging demands of running a law practice under these conditions, counsel for Appellant requests this extension of time for thirty (30) days not for purposes of delay but because it is necessary to render Appellant his constitutionally mandated effective assistance of counsel pursuant to the Sixth and Fourteenth Amendments to the U.S. Constitution and Art. 1, Sec. 9 of the Texas Constitution.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully prays that this Honorable Court grant his Motion for Extension of Time to File Appellant's petition for discretionary review in the above styled and numbered cause for thirty (30) days and extend the deadline for filing Appellant's brief to Monday, October 12, 2020.

Respectfully submitted,



BOB GILL

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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for extension was served via E-FILE TEXAS COURTS to the Dallas County District Attorney's Office, 133 North Riverfront Blvd., LB-19, Dallas, Texas, on September 9, 2020 at douglas.gladden@dallascounty.org and to the Office of the State Prosecuting Attorney at information@spa.texas.gov.



ROBERT K. GILL

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Status as of 9/10/2020 9:03 AM CST

Case Contacts

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